

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**Docket Number:
049128-5036

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on _____

Signature _____

Typed or printed
Name _____Application Number:
10/032,062Filed:
December 31, 2001First Named Inventor:
Yun Bok LEEArt Unit:
2815Examiner:
Matthew E. Warren

Applicant(s) request(s) review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages are provided.

I am the

☐ applicant/inventor.☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.☒ attorney or agent of record.
Registration number 33,652☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

Mary Jane Boswell
Signature

Mary Jane Boswell
Typed or printed name

202-739-5646
Telephone number

July 7, 2006
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.



Response Under 37 C.F.R. § 1.116
Expedited Procedure
Examining Group 2800

PATENT
ATTORNEY DOCKET NO. 049128-5036

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Yun Bok LEE)	Confirmation No.: 5647
)	
Application No. 10/032,062)	Group Art Unit: 2815
)	
Filed: December 31, 2001)	Examiner: M. Warren
)	
For: LIQUID CRYSTAL DISPLAY HAVING A)	Mail Stop AF
PROTECTIVE ALIGNMENT FILM AND)	
FABRICATING METHOD THEREOF)	
(As Previously Amended))	

U.S. Patent and Trademark Office
Customer Window, Mail Stop **AF**
Alexandria, VA 22314

Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

In response to the final Office Action of February 8, 2006 and Advisory Action of June 1, 2006, Applicant respectfully requests a Pre-Appeal Brief for Review of the pending rejections. A Notice of Appeal is filed concurrently herewith. Claims 1-4, 7, and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shin et al. (US 6,271,903) in view of Kim (US 6,177,970). Claim 5, 19, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shin et al. in view of Kim ('970) and Kim et al. (US 6,388,727). The amendments filed on May 8, 2006 are to be entered upon appeal. Applicant respectfully submits that the final rejection of claims 1-5, 7, 8, 19 and 20 under 35 U.S.C. § 103(a) is improper for the following reasons.

The Advisory Action states that Shin et al “discloses an alignment orientation film formed on the substrate (col. 1, lines 45-54 and col. 3, lines 4-12). As shown in figures 13 and 14, Shin discloses an alignment film that is not labeled which is formed on the source (27) and drain (28) electrodes. It is understood that the unlabeled film on the source and drain electrodes is an orientation film since the liquid crystals are aligned by the transverse electric field facilitated by the orientation film described in figure 11 (col. 3, lines 4-12).” Applicant respectfully disagrees.

Applicant submits that Shin et al. is completely silent with regard to an alignment film directly contacting source and drain electrodes, as recited in independent claims 1 and 4 of the present application. Shin et al. discloses an IPS configuration that requires the linear pixel electrode 20 to overlie the common electrodes 22 in order to prevent altered alignment of liquid crystal molecules above the pixel and common electrodes 29 and 22.

The Advisory Action relies on Kim (‘970) to “cure the deficiencies of Shin by showing that the alignment film is also formed on the upper and side surfaces of the common line and pixel electrodes.” Again, Applicant respectfully disagrees.

Kim (‘970) actually teaches the exact configuration that Shin et al. is correcting, which is planar formation of the pixel and common electrodes 40 and 310 on a protection insulating layer 80. Kim (‘970) explicitly teaches forming an alignment film 90 deliberately spaced apart from source and drain electrodes 710 and 720 by an intervening protection insulating layer 80. Thus, modifying Shin et al with the teachings of Kim (‘970) would render Shin et al. inoperable for its intended use, which is to prevent the required formation of pixel and common electrodes that are not coplanar. Thus, the Final Office Action and Advisory Action fail to establish a *prima facie*

case of obviousness with regard to independent claims 1 and 4, and hence dependent claims 2, 3, 7, and 8.

In addition, Applicant respectfully asserts that the Final Office Action and Advisory Action fail to rely upon Kim et al. ('727) to remedy the deficiencies of Shin et al. ('903) and/or Kim ('970). Moreover, Applicant respectfully asserts that the Final Office Action and Advisory Action cannot rely upon Kim et al. ('727) to remedy the deficiencies of Shin et al. ('903) and/or Kim ('970) since Kim et al. ('727) fails to teach or suggest an alignment film directly contacting upper surfaces of source and drain electrodes of a thin film transistor.

In view of the above, Applicant respectfully asserts that the rejection of claims 1 and 4 under 35 U.S.C. § 103(a) is improper and should be withdrawn. In addition, Applicant respectfully submits that dependent claims 2-3, 5, 7, 8, 19, and 20 are allowable at least because of the respective dependencies from independent claims 1 and 4 and for the reasons set forth above.

In view of the foregoing, Applicant respectfully submits that the rejections made in the Final Office Action and Advisory Action are in error and therefore should be withdrawn. If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: July 7, 2006

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